

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

STACY ABRAM

PLAINTIFF

v.

Case No. 2:20-cv-00174-LPR

CITY OF EARLE, ARKANSAS

DEFENDANT

ORDER

The Court has struggled mightily to figure out what exactly Mr. Abram's various filings in this case are seeking to do. As best the Court can tell, Mr. Abram seeks to use 28 U.S.C. § 1443 to remove his pending state criminal charges from the jurisdiction of the Crittenden County District Court (Earle Division) to the jurisdiction of the United States District Court for the Eastern District of Arkansas.¹ Mr. Abram was cited for obstruction of justice and contends his First, Fourth, and Fourteenth Amendment rights were violated as a result.² § 1443 does not support removal of this case. For the reasons expressed in *Georgia v. Rachel*, 384 U.S. 780, 787 (1966) and *Johnson v. Mississippi*, 421 U.S. 213, 219 (1975), § 1443(1) does not apply. And for the reasons expressed in *Greenwood v. Peacock*, 384 U.S. 808, 824 (1966), § 1443(2) does not apply. Accordingly, the case is remanded to state court.³

Mr. Abram's motion to proceed *in forma pauperis*⁴ is DENIED as moot.


¹ Notice of Removal (Doc. 2).

² Mr. Abram provided an incomplete incident report (Doc. 2 at 16-18) and appears unsure if any charges were filed against him. (Doc. 2 at 5, ¶14).

³ 28 U.S.C. § 1447(d). Among the various documents Mr. Abram filed along with his attempted removal, there is a document entitled "Complaint." (Doc. 3) It appears Mr. Abram may want to bring a civil complaint for resolution of constitutional or statutory violations. If indeed Mr. Abram wants to bring a civil complaint for some constitutional or statutory violation, he may do so in a separate action. He should file a new civil complaint in federal court.

⁴ Motion to Proceed *In Forma Pauperis* (Doc. 1).

IT IS SO ORDERED this 26th day of August, 2020.



LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE